

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 2:23-cv-14379-KMM

AFFORDABLE AERIAL PHOTOGRAPHY INC.
a Florida corporation,

Plaintiff,

v.

SYNC RFID INC,
a Florida corporation,

Defendant.

DEFENDANT’S MOTION TO MAINTAIN STAY

Defendant, Sync RFID Inc, moves to maintain the stay in this case until the Court disposes of its Rule 12(c) motion for judgment on the pleadings. In support of this motion, and in compliance with Local Rule 7.1(c), it relies on its memorandum of law in opposition [DE 30], to plaintiff Affordable Aerial Photography Inc.’s (“AAP”) motion to lift the stay, [DE 29]. AAP’s motion and this motion essentially present cross-motions respecting the same stay issue as a consequence of the Court’s order requiring the parties to “move to reopen the case or extend the stay on or before September 30, 2024.” [DE 26].

This case should remain stayed with the exception of allowing defendant to submit its reply memorandum of law in support of its motion for judgment on the pleadings. However, Sync RFID would waive its right to a reply if the Court is, based on the present Rule 12(c) memoranda [DE 15 and 22], inclined to grant the motion. Regardless, Sync RFID’s reply memorandum would be similar to what was filed in a similar action, see Def’s Reply, Harrington v. Island Villa Rental Props., Inc., No. 4:23-cv-10080-JEM (S.D. Fla. Feb. 29, 2024). The briefing on the Rule 12(c)

motion could be completed rapidly, if necessary. At that point, the motion will be fully briefed and ripe for disposition. For the reasons explained in Sync RFID's memorandum of law in opposition to AAP's motion to lift the stay [DE 30], the stay should be maintained.

WHEREFORE, defendant, Sync RFID, Inc. respectfully requests the Court:

- a) grant defendant's motion to maintain the stay;
- b) maintain the stay until the Court disposes of the pending Rule 12(c) motion for judgment on the pleadings; and
- c) for such further relief as the Court deems just and proper.

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CERTIFICATE OF COUNSEL

Counsel for the movant certifies that he conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion and has been unable to do so.

/s/ Griffin Klema
Griffin C. Klema, Esq.